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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [TW](#)  
SUBJECT: TAIWAN -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHÉ

REF: A. (A) STATE 59732  
[B.](#) (B) STATE 005577

¶1. This is an action cable; see paras 5 through 7 and 10.

¶2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

¶3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing Taiwan authorities of Taiwan's tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing Taiwan authorities and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host authorities with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

¶4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

¶5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

¶6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

**¶17. Action Request continued:** On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

**¶18. Begin Final Text of Taiwan's country narrative in the 2009 TIP Report:**

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**TAIWAN (TIER 2)**  
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Taiwan is primarily a destination for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. To a far lesser extent, it is a source of women trafficked to Japan, Australia, the United Kingdom, and the United States for sexual exploitation and forced labor, as well as a transit area for People's Republic of China (PRC) citizens seeking to enter the United States illegally, some of whom may become victims of debt bondage and forced prostitution. Most trafficking victims are workers from rural areas of Vietnam, Thailand, Indonesia, and the Philippines, employed through recruitment agencies and brokers to perform low-skilled work in Taiwan's construction, fishing, and manufacturing industries, or to work as domestic workers. Many of these workers fall victim to labor trafficking by unscrupulous brokers and employers, who force workers to perform work outside the scope of their contract and often under exploitative conditions. Some women and girls from the PRC and Southeast Asian countries are trafficked to Taiwan through fraudulent marriages, deceptive employment offers, and illegal smuggling for sexual exploitation and forced labor. Many migrant workers are charged job placement and service fees up to the equivalent of \$14,000, some of which are unlawful, resulting in substantial debt that unscrupulous labor brokers or employers may use as a coercive tool to subject the workers to involuntary servitude. Labor brokers often help employers forcibly deport & problematic<sup>8</sup> employees, thus allowing the broker to fill the empty quota with a new foreign worker who must pay placement and brokerage fees that may be used to subject them to involuntary servitude. Many foreign workers remain vulnerable to trafficking because legal protections, oversight by authorities, and enforcement efforts are currently inadequate. Taiwan authorities reported that traffickers, including syndicates in Southeast Asia, continued to recruit women from the PRC, Vietnam, Indonesia, and other Southeast Asian countries into marriages with Taiwan men, and then force them into prostitution or exploitative labor upon their arrival. Some women knowingly enter into false marriages after being promised jobs as caregivers or domestic workers in Taiwan, but are subsequently forced into Taiwan's sex industry or into forced labor. NGOs continued to report an increase in the number of boys rescued from prostitution, mainly discovered during police investigations of online social networking sites suspected of fronting for prostitution rings.

Taiwan authorities do not fully comply with the minimum standards for the elimination of trafficking; however, they are making significant efforts to do so. Taiwan authorities made noticeable progress during the reporting period by passing a new anti-trafficking law, bolstering law enforcement efforts, and approving a budget plan of \$14.8 million for victim protection measures. Authorities provided training for law enforcement, social workers, and judicial personnel to enhance investigative skills and increase understanding of human trafficking, victim protections, and related legal issues. Taiwan's efforts on victim identification and protection, however, remained inadequate over the last year. NGOs report that immigration, police,

and local law enforcement officials continue to view trafficking victims as runaways or criminals, resulting in some victims being penalized rather than assisted.

Recommendations for Taiwan: Extend labor protections to all categories of workers including domestic workers and caregivers to prevent labor trafficking; implement the new comprehensive anti-trafficking law and effectively carry out its victim and witness protections so that victims are not penalized for acts committed as a direct result of being trafficked; ensure law enforcement personnel, prosecutors, and judges consistently implement victim identification procedures and victim protection procedures to prevent the prosecution of trafficking victims for acts committed as a direct result of being trafficked; encourage victims to voluntarily assist in the prosecution of traffickers; increase police efforts to investigate trafficking crimes and to identify trafficking victims; and improve cooperation with governments of labor source countries on trafficking investigations.

#### Prosecution

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Taiwan authorities made notable progress in combating trafficking through law enforcement efforts during the last year. In January 2009, Taiwan's Legislative Yuan passed a new anti-trafficking law, which along with portions of the Criminal Code, criminalizes trafficking for both sexual exploitation and forced labor. The new law, which provides punishment of up to seven years, imprisonment for sex and labor trafficking, will come into effect when all corresponding statutes and regulations have been amended to conform to its provisions. During the reporting period, prosecutors continued to use sections of Taiwan's criminal code, labor law, and immigration law to prosecute labor and sex trafficking offenses. The Labor Standards Law, which prohibits forced labor, does not apply to the unknown number of Taiwan nationals and the 169,000 foreign workers -- approximately half of Taiwan's foreign work force -- employed as caregivers or domestic workers on Taiwan, who are especially vulnerable to labor trafficking. Typical punishments imposed on offenders convicted of forced labor or labor trafficking-related provisions under the Labor Standards Law are fines or imprisonment of less than one year ) punishments that were not sufficient. The new anti-trafficking law criminalizes labor trafficking and significantly increases penalties for such offenses. According to the Ministry of Justice (MOJ), six individuals were convicted in 2008 of trafficking-related provisions under the Employment Services Act. There were no trafficking-related convictions under the Labor Standards Law in 2008. Taiwan regulations allow employers to implement a system of &forced savings,<sup>8</sup> a practice known to facilitate trafficking whereby employers deduct up to thirty percent of a foreign worker's monthly salary to be placed in a bank account in the worker's name, while the worker has no access to the account. Foreign workers are forced into such an arrangement upon arrival in Taiwan, and they are often sent home if they object. The money is not returned if the worker ends work early due to abuse or exploitation, thereby deterring trafficked workers from seeking assistance. Traffickers also lure women to Taiwan with promises of marriage to Taiwan men, preying on hopes of a higher standard of living. These arrangements are sometimes fraudulent, resulting in foreign women trafficked into forced labor or sexual exploitation in Taiwan. Taiwan authorities banned for-profit marriage broker agencies in 2008, although there is a one-year grace period to allow existing agencies to close down operations.

The Ministry of Justice reports that authorities commenced prosecutions against 481 individuals for suspected trafficking from April to December 2008, most of which were sex trafficking cases. From April 2008 until January 2009, 234 individuals were convicted of trafficking-related offenses, including 80 for sexual exploitation and 35 for labor trafficking. In October 2008, the Taoyuan District Court convicted eighteen people for offenses related to

coercing Indonesian and Vietnamese women to engage in prostitution and withholding their passports and earnings. The court sentenced the principal defendant to twenty years, imprisonment and others to as many as twelve years, imprisonment. Some trafficking victims have been required to serve as witnesses in the trials of their traffickers and, as a result, have spent many months on Taiwan unable to work. Although amendments to the Immigration Act in August 2008 allow some trafficking victims to apply for temporary work permits, foreign victims have not been permitted to work while awaiting the outcome of labor disputes and trafficking investigations, and their mounting, often fraudulent, debts owed to home country and Taiwanese labor brokers lead many to flee shelters to seek illegal sources of income. When the new anti-trafficking legislation is enacted, victims will not be required to serve as witnesses in an open court trial and will not need to be designated as witnesses by prosecutors in order to obtain a temporary work permit. During the reporting period, there were reports that some local officials took bribes to turn a blind eye to trafficking, and allegations that some Taiwan politicians accompanied employers or brokers to local Bureau of Labor Affairs (BLA) mediation sessions with workers who registered complaints. Some sources believe these were thinly-veiled attempts to influence BLA officials and intimidate workers in order to achieve a favorable outcome for the employer or broker. No officials were indicted or convicted of trafficking-related corruption during the reporting period.

#### Protection

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Protection efforts by Taiwan authorities improved during the reporting period. A significant number of trafficking victims on Taiwan continue to go undetected by law enforcement authorities. Despite provisions in amendments to Taiwan's Immigration Act enacted in August 2008, which allows trafficking victims to apply for six-month temporary residency and work permits, no such immigration relief has been granted. Although Taiwan authorities have adopted formal victim identification procedures, implementation was not consistent and the process of referring victims from law enforcement custody to shelter facilities remained unreliable. In February 2009, the Ministry of Justice amended victim identification principles to simplify and standardize trafficking indicators across agencies and to provide law enforcement officials with a reference guide for questioning victims. These guidelines encourage multiple victim identification assessments by both field officers and detention center officials. During the year, officials began to outsource victim placement services to NGOs, who are better equipped to provide social support services victims need. Nevertheless, many trafficking victims are treated as illegal immigrants or illegal laborers, held in detention facilities, prosecuted, fined, and ultimately deported. While incarcerated, most detainees have limited access to psychological or legal counseling. NGOs reported that more victims were being identified by government authorities during the period, and the government ensured that these identified victims were not penalized for unlawful acts committed as a direct result of their being trafficking, though other victims not so identified by government authorities were likely arrested and penalized for immigration violations. Officials claimed that language barriers hamper their ability to sufficiently identify victims and investigate trafficking cases. In 2008, MOI began compiling a centralized interpreter database accessible by all law enforcement officials. Victims who cooperated with prosecutors in cases where charges were actually filed against the trafficker or other defendants were, in most cases, excused from punishment. Taiwan has no law to protect foreign trafficking victims from being removed to countries where they face hardship or retribution.

The treatment afforded to victims varies considerably from place to place. The Council for Labor Affairs (CLA) provides subsidies to 11 NGO-operated shelters for trafficking victims. Most of those sheltered in these facilities were

referred by churches, NGOs, or other informal channels. In August 2008 and March 2009, the National Immigration Agency (NIA) contracted NGOs to operate two new trafficking shelters for one year, one in Taoyuan and one in Hualien. The Taoyuan shelter, which is co-located with one of NIA's long-term detention facilities, housed 12 victims in 2008, most of whom were labor trafficking victims. There are some concerns that the shelter, which is a refurbished detention facility, would place victims under constant supervision by NIA officials. The Crime Victim Protection Act was amended in January 2009 to expand protections to include foreign victims of trafficking. According to the MOI, local government agencies placed 65 trafficking victims with government-subsidized NGO shelters during 2008. In December 2008, the Executive Yuan approved a \$14.8 million budget for anti-trafficking efforts through 2010.

#### Prevention

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Taiwan authorities report that their efforts to combat trafficking abroad are hampered by a lack of formal diplomatic relations with source country governments and an inability to join relevant international organizations. Taiwan demonstrated continued commitment to trafficking prevention efforts, spending over \$900,000 in training and public awareness campaigns in 2008. Authorities launched a multimedia campaign to increase public awareness of Taiwan's human trafficking problem, and held multiple training seminars and workshops for law enforcement, prosecutors, labor officials, judges, social work and medical personnel, and NGOs. The National Immigration Agency compiled and distributed an operations manual on human trafficking cases to law enforcement agencies, and the Ministry of Education included teaching materials on human trafficking in the national curriculum. A Direct Employment Service Center allows the rehiring of foreign domestic workers without going through labor brokers. This program could be improved and expanded, however, to encourage greater participation. As part of an ongoing campaign to combat child sex trafficking, authorities on Taiwan continued to display public service announcements in movie theaters, on television, and on online chat rooms and the Ministry of Transportation and Communications (MOTC) along with NGOs produced pamphlets and other materials in Mandarin, Japanese, and English to raise awareness of the child sex trade. Taiwan has a law with extraterritorial application that criminalizes the sexual exploitation of children by Taiwan passport holders traveling abroad; however, it did not prosecute anyone for child sex tourism abroad during the reporting period.

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host authorities as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that

only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated

"cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Taiwan again given a ranking of Tier 2?

A: Taiwan authorities do not fully comply with the minimum standards for the elimination of trafficking; however, they are making significant efforts to do so.. Taiwan authorities made noticeable progress during the rating period by passing a new anti-trafficking law, bolstering law enforcement efforts, and approving a budget plan of \$14.8 million for victim protection measures. Authorities provided training for law enforcement, social workers, and judicial personnel to enhance investigative skills and increase understanding of human trafficking, victim protections, and related legal issues. Taiwan's efforts on victim identification and protection, however, remained inadequate over the last year. NGOs report that immigration, police, and local law enforcement officials continue to view trafficking victims as runaways or criminals, resulting in some victims being penalized rather than assisted.

Q2: What progress has Taiwan made in the past year?

A: In January 2009, Taiwan's Legislative Yuan passed a new anti-trafficking law, which along with portions of the Criminal Code, criminalizes trafficking for both sexual exploitation and forced labor. The Ministry of Justice amended victim identification principles to simplify and standardize trafficking indicators across agencies and to provide law enforcement officials with a reference guide for questioning victims. . During the reporting period, the National Immigration Agency (NIA) contracted NGOs to operate two new trafficking shelters. Taiwan demonstrated continued commitment to trafficking prevention efforts, spending over \$900,000 in training and public awareness campaigns in 2008.

Q3: What efforts could Taiwan make to improve its fight against trafficking in persons?

A: The authorities on Taiwan could: extend labor protections to all categories of workers including domestic helpers and ; enact the new comprehensive anti-trafficking law and effectively implement its victim and witness protections so that victims are not penalized and allowed to work while awaiting legal proceedings; ensure law enforcement personnel, prosecutors, and judges consistently implement victim identification procedures and victim protection procedures to prevent the prosecution of trafficking victims; improve incentives for victims to voluntarily assist in the prosecution of traffickers; increase police efforts to investigate trafficking crimes and to identify trafficking victims; and improve cooperation with governments of labor

source countries.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON